

**REMARKS**

Claims 73, 85-91 and 93 have been cancelled, and Claim 72 has been amended to recite that the injector tubes have exit orifices with exit orifice diameters of 0.010 to 0.060 inches (see specification at page 13, lines 7-8). Favorable reconsideration is respectfully requested in light of the above amendments and the following remarks.

**Obviousness-Type Double Patenting Rejection**

Claims 72-79, 81-91, 93 and 94 stand rejected under the ground of obviousness-type double patenting over Claims 1-16 of U.S. Patent No. 6,042,687 to Singh ("Singh") in view of U.S. Patent No. 5,169,509 to Latz et al. ("Latz"). Claims 73, 85-91 and 93 have been cancelled.

Upon indication of allowable subject matter, a Terminal Disclaimer will be submitted to obviate this ground of rejection.

**Rejections Under 35 U.S.C. §102**

Claims 72, 78, 79 and 81-83 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,070,551 to Li et al. ("Li"). The reasons for this rejection are set forth at numbered section (2) of the Official Action.

The present application is a divisional of U.S. Patent Application No. 08/772,374 (now U.S. Patent No. 6,184,158), which was filed on December 23, 1996. Li is based on an application filed May 6, 1997, after Applicants' filing date. Li claims continuation-in-part status of an abandoned application filed May 13, 1996. In order for Li to be applied in a proper §102(e) rejection, the Examiner must establish

that Li's parent application provides §120 support for the subject matter claimed in Li's patent. That is, the Examiner must either establish that Li is entitled to the May 13, 1996 filing date of the parent application or withdraw the rejection. See MPEP § 2136.03(iv).

Claims 72-79, 81-91, 93 and 94 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,626,185 to Demos et al. ("Demos"). The reasons for this rejection are set forth at numbered section (8) of the Official Action. Claims 73, 85-91 and 93 have been cancelled. Claim 72 has been amended to recite exit orifice diameters of the injector tubes, a feature missing in Demos. Regarding Claim 75, the Examiner has not established that Demos discloses an injector tube having an orifice which directs process gas in an upward direction away from the exposed surface of a substrate. As Demos fails to disclose all of the subject matter recited in the independent claims, the rejection is in error and should be withdrawn.

Claims 72-79, 81-91, 93 and 94 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,270,862 to McMillin et al. ("McMillin '862"). The reasons for this rejection are set forth at numbered section (9) of the Official Action. Claims 73, 85-91 and 93 have been cancelled.

McMillin '862 is based on an application claiming priority under 35 U.S.C. §120 to abandoned U.S. Application No. 08/672,315 filed on June 28, 1996. However, McMillin '862 is based on an application filed July 26, 1999, after Applicants' December 23, 1996 priority date. In order for McMillin '862 to be applied in a proper §102(e) rejection, the Examiner must establish that McMillin '862's parent application provides §120 support for the subject matter claimed in McMillin '862. That is, the Examiner must establish that McMillin '862 is entitled to the June 28,

1996 filing date of the abandoned parent application or withdraw the rejection. See MPEP § 2136.03(iv).

Claims 72-79, 81-91, 93 and 94 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,013,155 to McMillin et al. ("McMillin '155"). The reasons for this rejection are set forth at numbered section (9) of the Official Action. Claims 73, 85-91 and 93 have been cancelled.

Like McMillin '862, McMillin '155 is based on an application claiming priority under 35 U.S.C. §120 to abandoned U.S. Application No. 08/672,315 filed on June 28, 1996. However, McMillin is based on an application filed June 30, 1997, after Applicants' December 23, 1996 priority date. In order for McMillin '155 to be applied in a proper §102(e) rejection, the Examiner must establish that McMillin '155's parent application provides §120 support for the subject matter claimed in McMillin '155. That is, the Examiner must establish that McMillin '155 is entitled to the June 28, 1996 filing date of the abandoned parent application or withdraw the rejection. See MPEP § 2136.03(iv).

#### **Rejections Under 35 U.S.C. § 103**

Claims 73-77 stand rejected under 35 U.S.C. § 103(a) over Li in view of U.S. Patent No. 5,169,509 to Latz et al. ("Latz"). The reasons for this rejection are set forth at numbered section (4) of the Official Action. Claim 73 has been cancelled.

Claims 74, 76 and 77 depend from Claim 72. As discussed above, Li is based on an application filed May 6, 1997, after Applicants' filing date. Li claims continuation-in-part status of an abandoned application filed May 13, 1996. As explained above, the Examiner must establish that Li is entitled to the May 13, 1996

filing date of the parent application or withdraw the rejection. See MPEP

§ 2136.03(iv).

Claim 84 stands rejected under 35 U.S.C. § 103(a) over Li in view of U.S. Patent No. 5,691,876 to Chen et al. ("Chen"). The reasons for this rejection are set forth at numbered section (5) of the Official Action.

Claim 84 depends from Claim 72. Because Li has not been shown to qualify as prior art under 35 U.S.C. §102(e), the rejection of Claim 84 over Li in view of Chen should be withdrawn.

Claims 85-91 and 93 stand rejected under 35 U.S.C. § 103(a) over Li in view of Chen and Latz. The reasons for this rejection are set forth at numbered section (6) of the Official Action. Claims 85-91 and 93 have been cancelled, making this rejection is moot.

Claim 94 stands rejected under 35 U.S.C. § 103(a) over Li in view of U.S. Patent No. 5,571,366 to Ishii et al. ("Ishii"). The reasons for this rejection are set forth at numbered section (7) of the Official Action.

Claim 94 depends from Claim 72. Because Li has not been shown to qualify as prior art under 35 U.S.C. §102(e), the rejection of Claim 94 over Li in view of Ishii should be withdrawn.

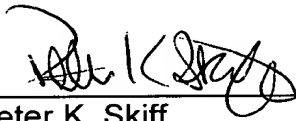
**Conclusion**

For the foregoing reasons, allowance of the application is respectfully requested. Should the Examiner wish to discuss this application, Applicants respectfully request that the undersigned be contacted at the telephone number given below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: February 20, 2008

By:   
Peter K. Skiff  
Registration No. 31917

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620